




Meeting Date
May 17, 2016



AGENDA	
Section	Consent
Item No.	II A.13

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Approval Re: Permanent Utility Easement and Donation of Property to the County from Beachside Doubles, Inc. for conveyance of easement (#803) needed for the S-15 Lift Station/Oars and Paddles Project - District 4 (Fiscal Impact: None)		
DEPT/OFFICE:	Public Works Department / Land Acquisition Section/Utility Services Department		
Requested Action:	It is requested that the Board of County Commissioners approve and accept the Permanent Utility Easement and Donation of Property to the County from Beachside Doubles, Inc.		
Summary Explanation & Background:	<p>The subject property is located in Section 11, Township 27 South, Range 37 East.</p> <p>Brevard County is currently maintaining a gravity sewer system, force main, and lift station on the Beachside Doubles, Inc. property. Utility Services Department is relocating the lift station and this easement is necessary for the department to maintain the system.</p> <p>There are two mortgages on the property. Mortgagee's (U.S. Small Business Administration and Florida Business Bank) have each executed a Joinder in Dedication of Permanent Utility Easement in Favor of Brevard County.</p> <p>Land Acquisition Policies and Procedures require approval and acceptance by the Board of County Commissioners for all easements.</p> <p>Fiscal impact: FY 2015-2016: No impact FY 2016-2017: No impact</p>		
Clerk to the Board Instructions:	Forward the Board approval memo to Department.		
Exhibits Attached:	Copy of executed Permanent Utility Easement with Exhibit A, copy of executed Donation of Property to the County with Exhibit A, 2 copies of executed Joinder In Dedication of Permanent Utility Easement in favor of Brevard County with Exhibit A, Location Map, Property Fact Sheet		
Contract /Agreement (if attached):	Reviewed by County Attorney	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> PR <input type="checkbox"/>
County Manager	Assistant County Manager	Department Director / Extension	
Stockton Whitten 	Assistant County Manager	 John Denninghoff / 57202  Jim E. Helmer / 52019	



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

May 18, 2016

MEMORANDUM

TO: John Denninghoff, Public Works Department Director


RE: Item II.A.13., Permanent Utility Easement and Donation of Property to the County from Beachside Doubles, Inc. for Conveyance of Easement (#803) Needed for the S-15 Lift Station/Oars and Paddles Project

The Board of County Commissioners, in regular session on May 17, 2016, accepted the Permanent Utility Easement and donation of property to the County from Beachside Doubles, Inc.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Tammy Rowe, Deputy Clerk

/cm

cc: Asset Management
Land Acquisition
Utility Services

BOARD OF COUNTY COMMISSIONERS

AGENDA: PERMANENT UTILITY EASEMENT AND DONATION OF PROPERTY TO BREVARD COUNTY (803) FROM BEACHSIDE DOUBLES, INC. (OWNER) – 1896 SOUTH PATRICK DRIVE – DISTRICT 4

AGENCY: PUBLIC WORKS DEPARTMENT / LAND ACQUISITION SECTION / UTILITY SERVICES DEPARTMENT

AGENCY CONTACT: LUCY HAMELERS, LAND ACQUISITION SPECIALIST

CONTACT PHONE: 321-690-6847 (56316)

REVIEW

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Dan Jones, Supervisor	<u>DPS</u>	_____	<u>3/30/16</u>
UTILITY SERVICES DEPARTMENT Jim E. Helmer, Director	<u>JWH</u>	_____	<u>4/18/16</u>
COUNTY ATTORNEY Cristina Berrios Assistant County Attorney	<u>see attached</u>	_____	<u>4/18/16</u>
PUBLIC WORKS John Denninghoff, Director	<u>JDS</u>	_____	<u>5/3/16</u>

AGENDA DUE DATE: May 3, 2016 for the May 17, 2016 Board Meeting

IF ANY REVIEWING OFFICE HAS QUESTIONS OR CONCERNS REGARDING THIS PACKAGE, PLEASE ADVISE AGENCY CONTACT IMMEDIATELY.

PLEASE CALL DEBBIE CRUZ AT 690-6847 (5-6847) WHEN READY TO BE PICKED UP.

THANK YOU.

BOARD OF COUNTY COMMISSIONERS

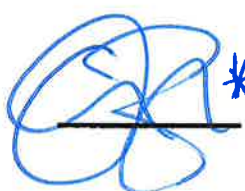
AGENDA: PERMANENT UTILITY EASEMENT AND DONATION OF PROPERTY TO BREVARD COUNTY (803) FROM BEACHSIDE DOUBLES, INC. (OWNER) - 1896 SOUTH PATRICK DRIVE - DISTRICT 4

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THANK YOU.

* CAO recommends that joinder for Florida Business Bank is signed and fully executed by both the CEO/President AND the CFO. This should be done prior to recording. Moreover, due to pending improvements, CAO recommends obtaining title insurance

PERMANENT UTILITY EASEMENT

THIS INDENTURE, made this 21 day of March A.D. 2016, between Beachside Doubles, Inc., whose address is 1896 South Patrick Drive, Indian Harbor Beach, Florida 32937, as the first party, and BREVARD COUNTY, Florida, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida 32940 as the second party, for the use and benefit of BREVARD COUNTY, Florida.

WITNESSETH: That the first party, in consideration of One Dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement commencing on the above date for the purposes of public utilities, and other allied uses which shall be strictly construed so as not to enlarge the use, scope, or purpose of the easement.

The land affected by the granting of the easements is located in Section 11, Township 27 South, Range 37 East, County of Brevard, State of Florida, and being more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO (LEGAL DESCRIPTION)

TO HAVE AND TO HOLD said easement unto the County of Brevard and to its successors and/or assigns.

The first party does hereby covenant with the second party that it is lawfully seized and possessed of the lands above described and that it has a good and lawful right to convey it or any part thereof.

IN WITNESS WHEREOF, the first party having set their hand and seal this, the day and year first above written,

Signed, sealed, and delivered in the presence of:

[Signature]
Witness
John W. Wichmann
(Print Name)
[Signature]
Witness
Lucy Hamelers
(Print Name)

BEACHSIDE DOUBLES, INC.
BY: [Signature]
Ray Featherhoff, President

**STATE OF FLORIDA
COUNTY OF BREVARD**

The foregoing instrument was acknowledged before me this 21 day of March, 2016, by Ray Featherhoff, President of Beachside Doubles, Inc., who is/is not personally known to me or who has produced driver's license identification and who did/did not take an oath.

WITNESS my hand and official seal at Melbourne, Florida, the County of Brevard, State of Florida, this _____ day of _____, 2016.

Board Date _____
Agenda Item _____

Notary Public [Signature]
Lucy Hamelers
State of Florida
(SEAL)
My Commission Expires 02/24/2019
Commission No. FF 194343

LEGAL DESCRIPTIONS

PARCELS 803, UTILITY EASEMENT (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBER: 27-37-11-00-00337.0-0000.00

PURPOSE: UTILITY EASEMENT

SHEET 1 OF 3 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEETS 2 AND 3 OF 3.

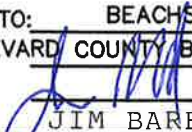
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COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF BANANA RIVER DRIVE (STATE ROAD NO.3) AND THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE (STATE ROAD NO.513) AND SAID POINT BEING THE SOUTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7400, PAGE 1301 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.00°45'15"W., ALONG THE EAST LINE OF SAID PARCEL AND ALONG THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE, 165.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL AND SAID POINT BEING THE SOUTHEAST CORNER OF THE AFORESAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5465, PAGE 5301 AND SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N.62°01'04"W., 18.46 FEET; THENCE S.83°44'39"W., 134.42 FEET TO A POINT LYING ON THE WEST LINE OF SAID PARCEL OF LAND DESCRIBED IN SAID OFFICIAL RECORDS BOOK 5465, PAGE 5301; THENCE ALONG THE BOUNDARIES OF SAID PARCEL DESCRIBED IN SAID OFFICIAL RECORDS BOOK 5465, PAGE 5301, THE FOLLOWING TWO COURSES AND DISTANCES: S.37°27'45"E., 13.05 FEET; S.00°45'15"E., 3.86 FEET; THENCE N.83°44'39"E., 123.41 FEET TO A POINT LYING ON THE SOUTH LINE OF THE AFORESAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5465, PAGE 5301; THENCE N.70°40'08"E., ALONG SAID LINE, 20.41 FEET TO THE POINT OF BEGINNING. CONTAINING 2057 SQUARE FEET OR 0.05 ACRES MORE OR LESS.

NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO: BEACHSIDE DOUBLES, INC.
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

JIM BARFIELD, CHAIRMAN

CERTIFIED BY: _____
DENNIS W. WRIGHT
REGISTERED LAND SURVEYOR NO. 4014
STATE OF FLORIDA

DATE 1/29/16
ORDER NO. 25102
FB. NO. _____
SCALE. 1" = 40'
DWG.NO. BANANA EASEMENT 803.DWG

Honeycutt & Associates, Inc.
ENGINEERS • SURVEYORS • PLANNERS
3700 South Washington Avenue • Titusville, Florida 32780
(321) 267-6233 Fax (321) 269-7847
CERTIFICATE OF AUTHORIZATION NO. LB 6762

NOTES AND LEGEND:

SHEET 2 OF 3 SHEETS

PARCELS 803, UTILITY EASEMENT (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBER: 27-37-11-00-00337.0-0000.00

PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

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NOTES:

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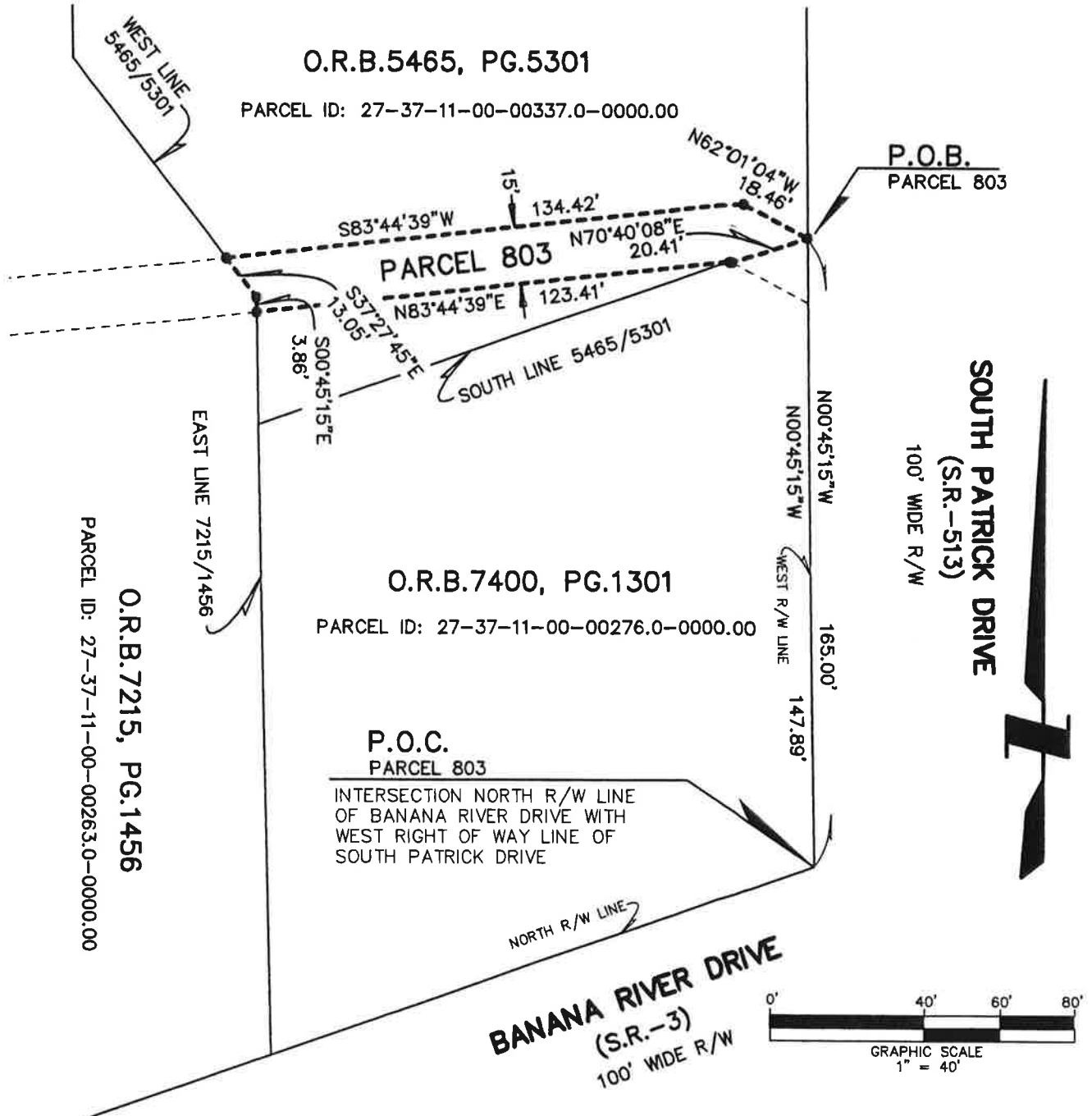
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BOARD OF COUNTY COMMISSIONERS

Public Works Department
Land Acquisition Section
2725 Judge Fran Jamieson Way
Building A, Room 204
Viera, Florida 32940

Donation of Property to the County

Beachside Doubles, Inc.
1896 South Patrick Drive
Indian Harbour Beach, FL 32937

Re: Lift Station S15
South Patrick and Banana River Drive
(Oars and Paddles)

This is to advise that the undersigned, as owner of the property located at 1896 South Patrick Drive, Indian Harbour Florida, desire to make a voluntary donation of a portion of said property as described in Exhibit A attached, to the County for the use and benefit of the County, for purposes of a Permanent Utility Easement, in connection with the relocation of Lift Station S15 (Oars and Paddles).

Beachside Doubles, Inc.

BY:



Ray Featherhoff, President

LEGAL DESCRIPTIONS
PARCELS 803, UTILITY EASEMENT (BY SURVEYOR)

SHEET 1 OF 3 SHEETS

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PURPOSE: UTILITY EASEMENT

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PARCELS 803, UTILITY EASEMENT (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBER: 27-37-11-00-00337.0-0000.00

PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

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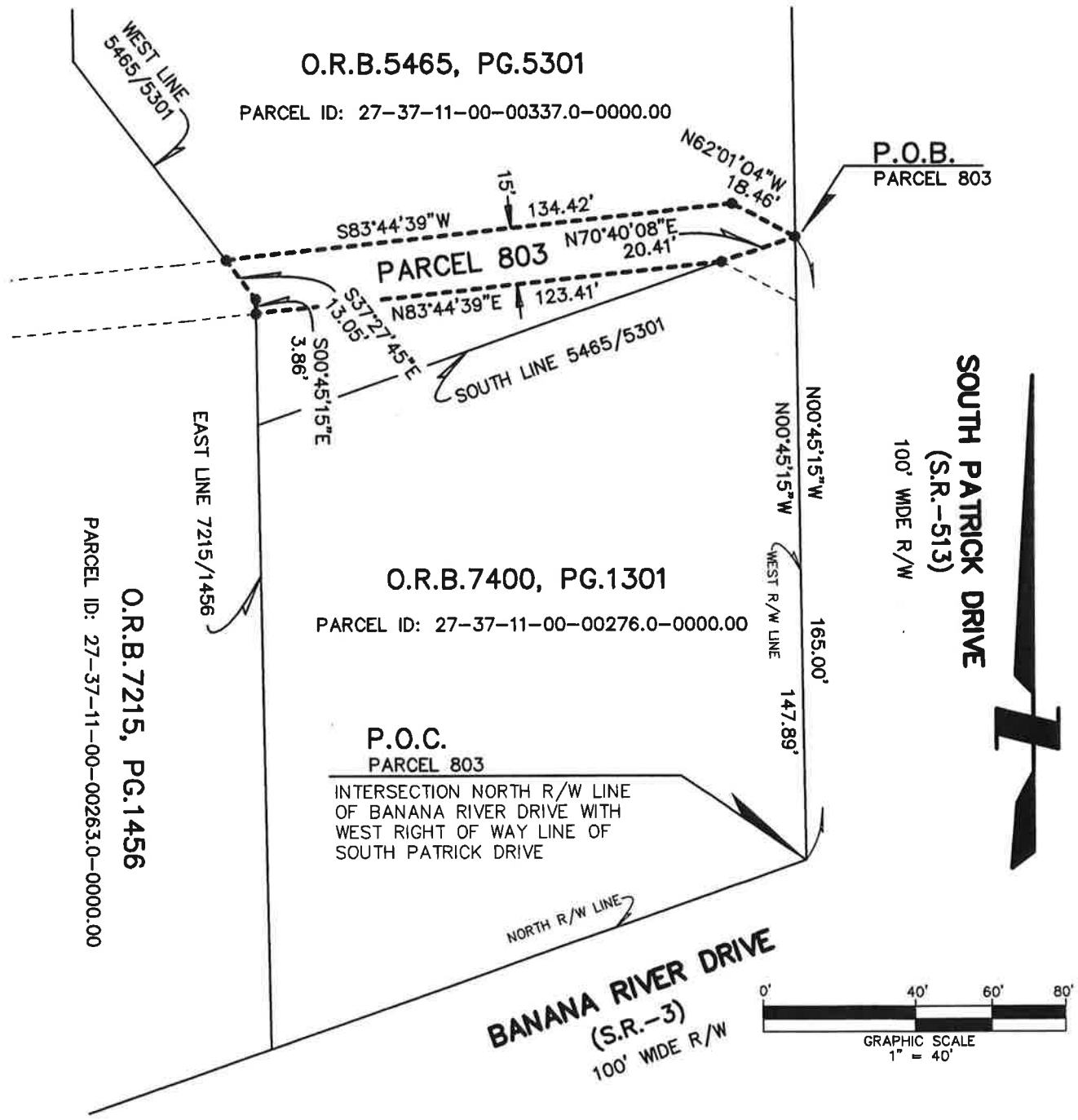
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Prepared by and return to: Lucy Hamelers
Land Acquisition Specialist, Brevard County Public Works Dept.,
Land Acquisition Section (321-690-6847)
2725 Judge Fran Jamieson Way, Building-A-204, Viera, FL 32940
Tax I.D. # 27-37-11-00-00337.0-0000.00


Joinder in Dedication of Permanent Utility Easement in Favor of Brevard County


KNOW ALL MEN BY THESE PRESENTS, that the undersigned, Florida Business Bank, A Florida State Bank, having its principal offices at 340 N Harbor City Boulevard, Melbourne, Florida 32935, (Mortgagee), being the owners and holders of that certain Mortgage dated January 5, 2006, and recorded on January 11, 2006, in Official Records Book 5590, beginning at Page 6832-6840, all recorded in the Public Records of Brevard County, Florida, does hereby join in and consent to the dedication of the Permanent Utility Easement as shown in Exhibit "A" attached hereto and made a part of this document, for all uses and purposes expressed therein, and agrees that the lien, operation, and effect of the above-described Mortgage and Assignment, shall be, and is hereby subordinated to said easements.

Florida Business Bank executes this Joinder solely as Mortgagee and shall have no liability in connection therewith.

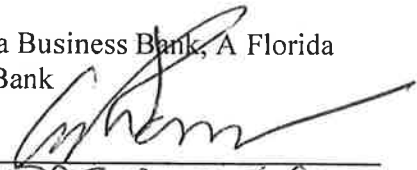
In Witnesses WHEREOF, the undersigned has caused these presents to be executed in its name on this, the 21st day of March, 2016.

Signed and sealed in the presence of:


Print Name: Kristen L. Turcone


Print Name: Dina Sanscrante


Florida Business Bank, A Florida State Bank

By: 
Title: PRESIDENT & CEO

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 21st day of March, 2016, by William R. Norris its President & CEO, and that they are personally known to me or have produced _____ as identification and that they did/or/did not take an oath.

Agenda Item # N/A
Board Meeting Date N/A

Notary 
Print Name: DOREEN D. LEWIS
Commission No. EE 857408
Commission Expires: 12/10/16



LEGAL DESCRIPTIONS

PARCELS 803, UTILITY EASEMENT (BY SURVEYOR)

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CERTIFIED TO: BEACHSIDE DOUBLES, INC.
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

JIM BARFIELD, CHAIRMAN

CERTIFIED BY: _____
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REGISTERED LAND SURVEYOR NO. 4014
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R/W = Right-of-way

DATE 1/29/16
ORDER NO. 25102
FB. NO. _____
SCALE 1" = 40'
DWG.NO. BANANA EASEMENT 803.DWG

Honeycutt & Associates, Inc.

ENGINEERS • SURVEYORS • PLANNERS

3700 South Washington Avenue • Titusville, Florida 32780
(321) 267-6233 Fax (321) 269-7847

CERTIFICATE OF AUTHORIZATION NO. LB 6762

MAP OF DESCRIPTION

PARCELS 803, UTILITY EASEMENT (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBER: 27-37-11-00-00337.0-0000.00

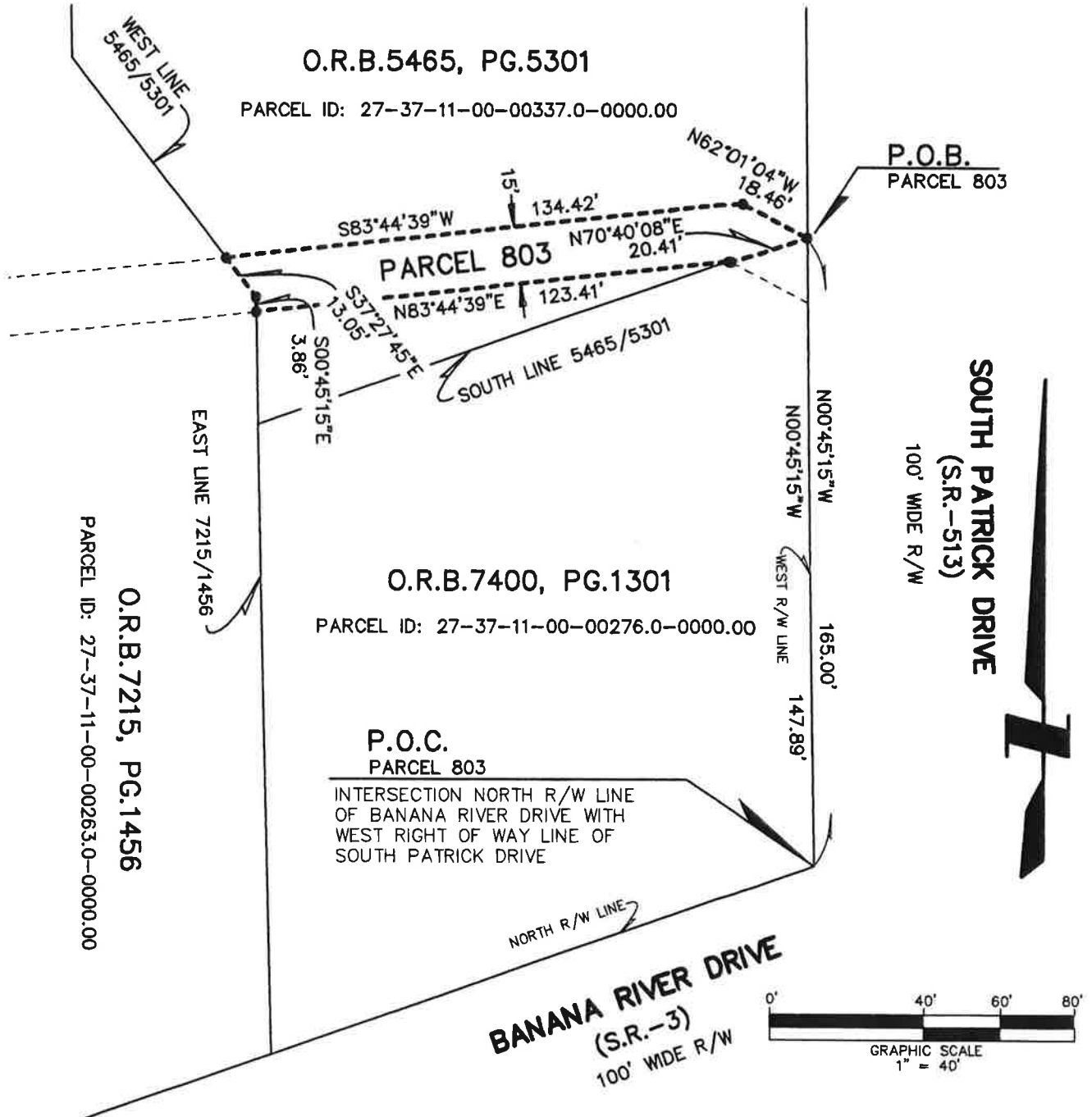
PURPOSE: UTILITY EASEMENT

SHEET 3 OF 3 SHEETS

EXHIBIT "A"

NOT VALID WITHOUT SHEETS 1 AND 2 OF 3.

THIS IS NOT A SURVEY



DATE 1/29/16
 ORDER NO. 25102
 FB. NO. _____
 SCALE 1" = 40'
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Prepared by and return to: Lucy Hamelers
Land Acquisition Specialist, Brevard County Public Works Dept.,
Land Acquisition Section (321-690-6847)
2725 Judge Fran Jamieson Way, Building-A-204, Viera, FL 32940
Tax I.D. # 27-37-11-00-00337.0-0000.00


Joinder in Dedication of Permanent Utility Easement in Favor of Brevard County

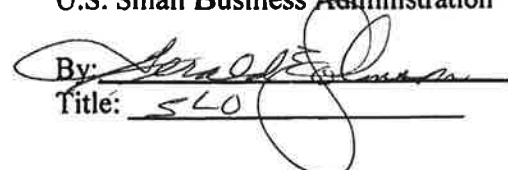
KNOW ALL MEN BY THESE PRESENTS, that the undersigned, U.S. Small Business Administration, having its principal offices at 100 South Biscayne Boulevard, 7th Floor, Miami, Florida 33131, (Mortgagee), being the owners and holders of that certain Mortgage dated January 6, 2006, and recorded on January 11, 2006, in Official Records Book 5590, beginning at Page 6823-6831, all recorded in the Public Records of Brevard County, Florida, does hereby join in and consent to the dedication of the Permanent Utility Easement as shown in Exhibit "A" attached hereto and made a part of this document, for all uses and purposes expressed therein, and agrees that the lien, operation, and effect of the above-described Mortgage and Assignment, shall be, and is hereby subordinated to said easements.

U.S. Small Business Administration executes this Joinder solely as Mortgagee and shall have no liability in connection therewith.

In Witnesses WHEREOF, the undersigned has caused these presents to be executed in its name on this, the 17 day of March, 2016.

Signed and sealed in the presence of:

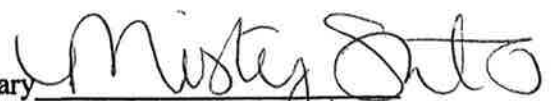

Print Name: Titel
Kenneth McKay
Print Name: Kenneth McKay

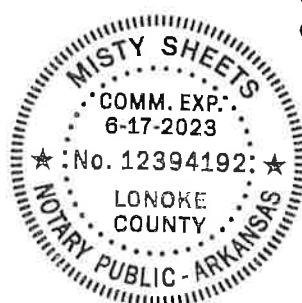
U.S. Small Business Administration
By: 
Title: SLO

STATE OF Arkansas
COUNTY OF Lonoke

The foregoing instrument was acknowledged before me this 17 day of March, 2016, by Gerald Johnson its SLO, and that they are personally known to me or have produced NA as identification and that they did/or/did not take an oath.

Agenda Item # NA
Board Meeting Date NA


Notary
Print Name: Misty Sheets
Commission No. 12394192
Commission Expires: 6/17/23



LEGAL DESCRIPTIONS

PARCELS 803, UTILITY EASEMENT (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST
PARENT PARCEL NUMBER: 27-37-11-00-00337.0-0000.00
PURPOSE: UTILITY EASEMENT

SHEET 1 OF 3 SHEETS

EXHIBIT "A"

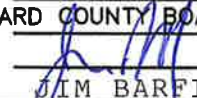
NOT VALID WITHOUT SHEETS 2 AND 3 OF 3.
THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL 803, UTILITY EASEMENT (BY SURVEYOR)

A PARCEL OF LAND BEING IN SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEING A PART OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5465, PAGE 5301 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF BANANA RIVER DRIVE (STATE ROAD NO.3) AND THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE (STATE ROAD NO.513) AND SAID POINT BEING THE SOUTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7400, PAGE 1301 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.00°45'15"W., ALONG THE EAST LINE OF SAID PARCEL AND ALONG THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE, 165.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL AND SAID POINT BEING THE SOUTHEAST CORNER OF THE AFORESAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5465, PAGE 5301 AND SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N.62°01'04"W., 18.46 FEET; THENCE S.83°44'39"W., 134.42 FEET TO A POINT LYING ON THE WEST LINE OF SAID PARCEL OF LAND DESCRIBED IN SAID OFFICIAL RECORDS BOOK 5465, PAGE 5301; THENCE ALONG THE BOUNDARIES OF SAID PARCEL DESCRIBED IN SAID OFFICIAL RECORDS BOOK 5465, PAGE 5301, THE FOLLOWING TWO COURSES AND DISTANCES: S.37°27'45"E., 13.05 FEET; S.00°45'15"E., 3.86 FEET; THENCE N.83°44'39"E., 123.41 FEET TO A POINT LYING ON THE SOUTH LINE OF THE AFORESAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5465, PAGE 5301; THENCE N.70°40'08"E., ALONG SAID LINE, 20.41 FEET TO THE POINT OF BEGINNING. CONTAINING 2057 SQUARE FEET OR 0.05 ACRES MORE OR LESS.

NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO: BEACHSIDE DOUBLES, INC.
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

JIM BARFIELD, CHAIRMAN

CERTIFIED BY: _____
DENNIS W. WRIGHT
REGISTERED LAND SURVEYOR NO. 4014
STATE OF FLORIDA

DATE 1/29/16
ORDER NO. 25102
FB. NO. _____
SCALE. 1" = 40'
DWG.NO. BANANA EASEMENT 803.DWG

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NOTES AND LEGEND:

SHEET 2 OF 3 SHEETS

PARCELS 803, UTILITY EASEMENT (BY SURVEYOR)

SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

PARENT PARCEL NUMBER: 27-37-11-00-00337.0-0000.00

PURPOSE: UTILITY EASEMENT

EXHIBIT "A"

NOT VALID WITHOUT SHEETS 1 AND
3 OF 3.

THIS IS NOT A SURVEY

NOTES:

- 1) THE BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N.00°45'15"W., AS SHOWN ALONG THE WEST RIGHT OF WAY LINE OF SOUTH PATRICK DRIVE.

LEGEND

Ⓞ = Centerline

DB.____ PG.____ = Deed Book and Page

7400/1301 = Typical nomenclature for Official
Records Book and Page.

ORB.____ PG.____ = Official Records Book and Page

P.O.B. = Point of Beginning

P.O.C. = Point of Commencement

R/W = Right-of-way

DATE 1/29/16
ORDER NO. 25102
FB. NO. _____
SCALE. 1" = 40'
DWG.NO. BANANA EASEMENT 803.DWG

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SECTION 11, TOWNSHIP 27 SOUTH, RANGE 37 EAST

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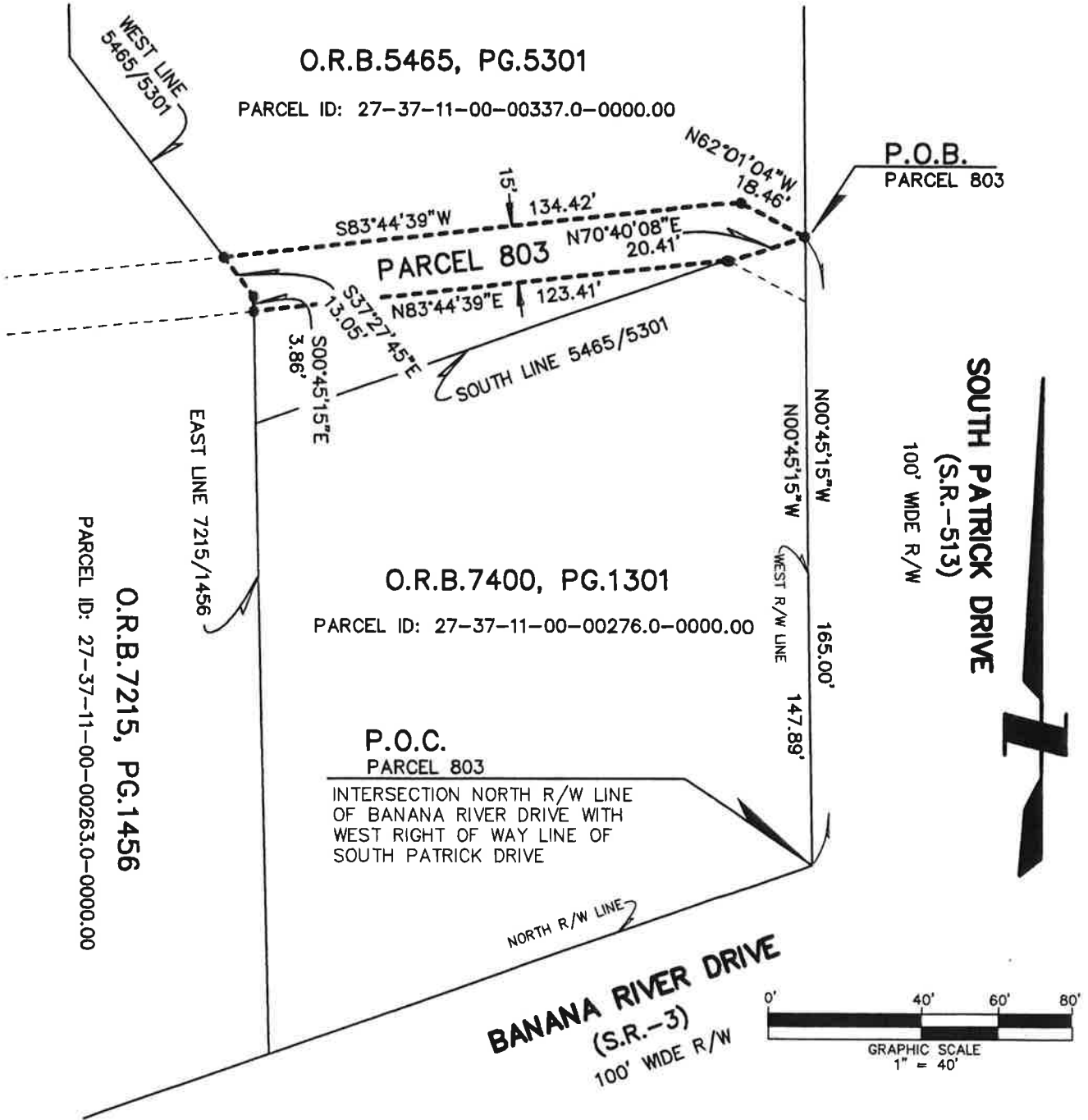
PURPOSE: UTILITY EASEMENT

SHEET 3 OF 3 SHEETS

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LOCATION MAP

SEC: 11 TWP: 27 S RNG: 37 E DISTRICT: 4

STREET NAME: South Patrick Drive

OWNER'S NAME: Beachside Doubles, Inc.



PROPERTY FACT SHEET
PROJECT: OARS AND PADDLES

OWNER:	Beachside Doubles, Inc.
PARCEL LOCATION:	1896 S. Patrick Drive, Indian Harbor Beach, FL
PARENT PARCEL SIZE:	0.82 acres
EASEMENT AREA:	2057 square feet
ZONING/LANDUSE:	Restaurant / Cafeteria
IMPROVEMENTS:	One building – 11,513 square feet
TOPOGRAPHY:	Level with road grade, no wetlands indicated
FLOOD ZONE:	X (outside 500-year flood)
TAX PARCEL ID#:	27-37-11-00-00337.0-0000.00
MARKET VALUE:	\$560,000.00 (2015 Assessment)(Property Appraiser's Records)
PUBLIC UTILITIES:	All utilities
PROPERTY TRANSACTION: (Clerk of the Court Records)	Purchase date: May 5, 2005 Sale amount: \$750,000.00